

REMARKS

By this amendment, claim 1 has been amended. Thus, claims 1-7 are now active in the application. Reexamination and reconsideration of the application are respectfully requested.

Initially, Applicants and their undersigned Attorney wish to thank Examiner Le for kindly granting a telephone interview on August 13, 2009.

In the interview, the prior art rejections were discussed and, in particular, the Examiner's interpretation of the claim language with respect to Applicants' admitted prior art (Figs. 16-18) was discussed.

Specifically, the Examiner indicated that she was interpreting the claim 1 language of "in a plane including the center axis" to be sufficiently broad as to encompass a plane that merely intersects with the center axis. As such, the Examiner took the position that the claim language of claim 1 is met by a diaphragm portion which has a cross section that, as viewed in the direction D106 as shown in Fig. 18, is as an arc of a non-circular ellipse. More specifically, the Examiner took the position that this claim language of claim 1 is met by the description of the admitted prior art on page 2 of the present specification that "[a]n outer shape of diaphragm 107 seen from direction D106 is an elliptical shape that can be placed at a side of a display of a portable telephone."

Accordingly, claim language was discussed for distinguishing claim 1 from the admitted prior art. In particular, it was agreed that the recitation that "one of the first portion and the second portion of the diaphragm has a cross section in a plane along which the center axis extends, ... [with the cross section being] shaped as an arc of a non-circular ellipse," would overcome the prior art applied in the Office Action.

As such, in order to clearly distinguish present claim 1 over the prior art applied by the Examiner, claim 1 has now been amended in the manner agreed upon in the telephone interview.

Therefore, for the reasons presented above, it is submitted that claim 1, as well as claims 2-7 which depend therefrom, are clearly allowable over prior art of record.

In view of the foregoing amendments and remarks, it is respectfully submitted that the present application is clearly in condition for allowance. An early notice thereof is earnestly solicited.

If, after reviewing this Amendment, the Examiner feels there are any issues remaining which must be resolved before the application can be passed to issue, it is respectfully requested that the Examiner contact the undersigned by telephone in order to resolve such issues.

Respectfully submitted,

Tomoyasu TAKASE et al.

/Charles R Watts/

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Charles R. Watts

Registration No. 33,142

Attorney for Applicants

CRW/asd
Washington, D.C. 20005-1503
Telephone (202) 721-8200
Facsimile (202) 721-8250
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